

February 2006

Volume 1, Issue 5, Series 2

# PHA Newsletter

Published by the Panoramic Hill Association

Berkeley/Oakland, California

## Announcements:

### GENERAL MEETING

March 12<sup>th</sup>, 2006

4-7pm

14 Mosswood Road

UC Berkeley

"Community Open House"

March 13, 2006

NEW! PHA online  
discussion forums:  
[PanoramicHill.org/forums](http://PanoramicHill.org/forums)

Nominating Committee  
Election

## Inside:

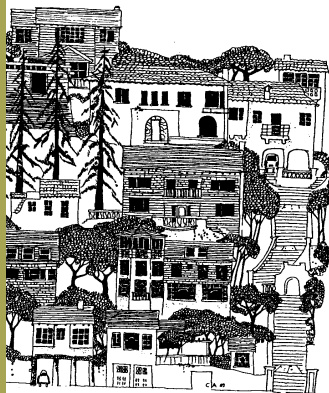
Oakland Septic Issues

Hill Mudslides

UC Stadium

Road Survey

Meeting Time Survey



## GENERAL MEETING

Sunday, March 12, 2006

4-7 PM

Home of Hilary Bendich, 14 Mosswood Road

Please bring a dish to share; PHA will provide drinks and snacks

### AGENDA:

- Presentation by Ron Torres and Russ Handzus of Alameda County Health Department regarding new septic system regulations and possible impacts on development on Panoramic Hill.

- Presentation by Dean Metzger of BLUE concerning a lawsuit filed by Berkeley citizens against the City for its settlement with the University over UC's 2020 Long Range Development Plan.

- Discussion of the University's "Community Open House" on Monday, March 13, 2006, and the potential impact of its "Southeast Campus Integrated Projects" on the Panoramic Hill community.

- Election of a nominating committee to prepare a slate of officers to be elected at the Annual Meeting.

## Update on UC Stadium Plans

By Janice Thomas

This is a brief update on recent community-based activities in response to the University's proposed Southeast Campus Integrated Projects. Three separate organizations, the Claremont-Elmwood Neighborhood Association (CENA), the

Council of Neighborhood Associations (CNA), and the Berkeley Architectural Heritage Association (BAHA), have each published articles in their respective newsletters on the Integrated Projects. CENA also devoted 30 minutes of its recent General Meeting

for a presentation and discussion from a community-based perspective.

During the scoping period soon after the project was announced, many neighbors wrote impressive letters,

Please see page 3

## Rambles from the President

**By Jerry Wachtel**

For years (apparently long before I moved here six years ago), Oaklanders wanting to build or remodel on the hill have heard conflicting stories from Oakland zoning and planning personnel. There was a moratorium on new construction, or there wasn't. Renovations could be made, provided you did not add a bedroom, or perhaps that was a bathroom. No new septic systems could be built, or perhaps they could if they employed certain new technologies. The responsibility for determining whether construction, renovation, or remodeling could take place rested with the City; no, make that the County.

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*"...there is not a moratorium on new construction or major renovations on the Oakland side of Panoramic Hill – there is an outright prohibition ,*



Jerry Wachtel  
President

It now seems that the Alameda County Department of Environmental Health (ACEH) and the Oakland Building Department have come together to clarify these issues, although some uncertainties remain.

If my interpretation of these policies is correct, there is not a moratorium on new construction or major renovations on the Oakland side of Panoramic Hill -- there is an outright prohibition.

The county has issued a document titled: "Draft Onsite Wastewater Treatment System Ordinance - October 2005". This draft ordinance, expected to be

finalized shortly, together with Chapter 15.04 of the City of Oakland Amendments to the California Plumbing Code (CPC) indicate rather unambiguously what is and what is not permitted. **Representatives from ACEH will be at our next General Meeting, to be held March 12<sup>th</sup>, to describe the new ordinance, explain how it affects us, and answer our questions about it.**

In the interim, I have attempted to summarize in this column some of the key features, as I understand them. Note that you can access the Draft Ordinance at <http://www.acgov.org/aceh/septic/ordinance.htm> and the relevant sections of the Oakland Amendments at [http://bpc.iserver.net/code/oakland/\\_DATA/TITLE15/Chapter\\_15\\_04\\_OAKLAND\\_AMENDMENTS.html#176](http://bpc.iserver.net/code/oakland/_DATA/TITLE15/Chapter_15_04_OAKLAND_AMENDMENTS.html#176) and form your own opinions or prepare your questions for our guests.

Alameda County officials interpret the Oakland code, in part, as follows:

"New septic systems will not be allowed on vacant land or on properties that were not previously served by septic systems" (Section 713.3).

"Existing septic systems will not be permitted to expand to accommodate additional wastewater load" (Sections 713.3 and 713.5).

"When a proposal is made to enlarge a dwelling or add a secondary dwelling on a property served by a septic system the (Oakland) Building Department will refer the applicant to (ACEH). We will review the plans to determine whether additional bedrooms (or potential bedrooms) are proposed. We will also determine whether non-bedroom expansions are of such size and scope that addition wastewater load may be placed on the septic system. We will provide a statement as to the adequacy of the existing septic system for the proposed building which is based on the current Alameda County General Ordinance governing septic systems" (Section 713.2).

"A building permit for expansion of a dwelling or addition of a secondary dwelling on a property served by a septic system will not be issued until the applicant provides a stamped plan from (ACEH) indicating that the septic system does not need to be enlarged or upgraded" (Sections 713.4 and 713.5).

So where might there be room for interpretation or uncertainty? The County has prepared, and relies upon its "Additions and Remodels Policy" to determine whether a particular proposal will be permitted. The policy includes guidelines that link the size of additions,

Please see page 4

## UC Stadium (continued from cover)

including PHA President Jerry Wachtel whose letter was excerpted in the BAHA newsletter. The City of Berkeley also wrote an outstanding comment letter. Friends of Piedmont Way, with Panoramic Hill neighbors Fredrica Drotos and Michael Kelly on the Board of Directors, provided comment from another important local entity.

Generous donations, including a \$200 donation

from the PHA, made it possible to hire an attorney to prepare comment. An expert in the California Environmental Quality Act, Michael Graf provided a legal perspective on the proposed project under the organizing entity known as the Coalition of Affected Parties (CAP).

Electronic versions of some of these comment letters will be available on the PHA website,

[www.panoramichill.org/](http://www.panoramichill.org/)

Donations to help continue moving this issue forward can be sent to the Coalition of Affected Parties (CAP) at 1442A Walnut Street, #282, Berkeley, CA 94709.

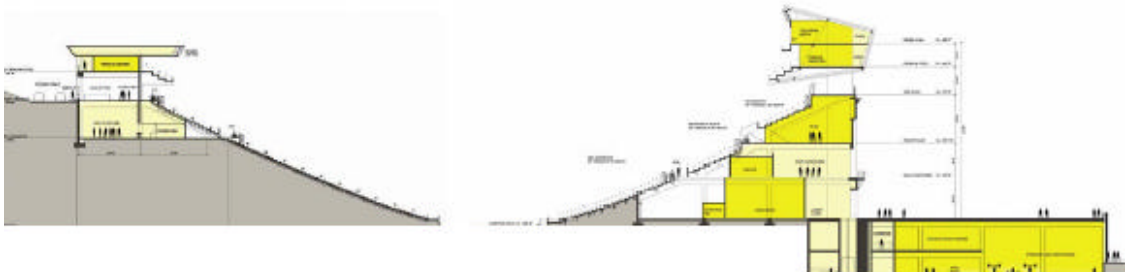
Please do what you can to help, as we are obscenely out-resourced. Any and every donation will help.

Thank you.

Janice Thomas

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*"Please do what you can to help, as we are obscenely out-resourced"*



Note the addition of sky boxes on both the East and West rim of the stadium. Graphic from [http://www.cp.berkeley.edu/SCIP\\_ScopePres.pdf](http://www.cp.berkeley.edu/SCIP_ScopePres.pdf)

## An Open Letter to the Panoramic Hill Community

Several neighbors attended a joint meeting of four Berkeley Commissions on February 22nd at which the University made a presentation of its Southeast Campus Integrated Projects. At each of these meetings a little more information becomes available.

The University will be

holding a stadium open house and tours beginning at 5:45 PM, Monday, March 13. I urge all PHA members and hill residents to attend (1) for their own information, and (2) to ask the University's planning team and/or coaches about the actual elevations above the stadium rim for the press box and seating, planned elevation increases on the east side, stadium lighting, the size

and actual footprint of the student athlete center on the west side of the stadium, the elevation of the 850 car parking garage at Maxwell Field and points of ingress and egress, and anything else that one might ask. Our continued presence is very important as this process moves forward!

From a Concerned Neighbor



## Rambles from the President (continued from pg 2)

renovations and remodels (expressed as a percentage of the existing square footage) to the required Class of Septic System (also defined in the policy statement). Some of the language in this document seems open to interpretation, such as the term "major alteration of living area." Also, the approach taken to measure the existing square footage of a

dwelling may also be subject to debate.

But the bottom line now seems clear. Existing Oakland ordinances, supported by review, when deemed necessary, by the County Department of Environmental Health, will likely prohibit the construction of new dwellings on Panoramic Hill lots not served by sewers,

and will greatly restrict the ability of a homeowner to expand, renovate, or remodel an existing home if the County's formulae indicate that the result will be an increase, or the future potential to increase, the wastewater load on the existing septic system.

Please come to the General Meeting on March 12<sup>th</sup> to learn more.

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*PHA needs your help!  
If you'd like to serve on any of our committees, please contact  
JerryWachtel@Panoramichill.org*

## General Meeting Time Survey

For many years the PHA has been holding its general meetings on Sundays between 4-7pm. It has come to our attention that perhaps more people would attend if the

meetings were held on another day or time. If you're one of those people, please let us know the times that work for you. Contact [newsletter@panoramichill.org](mailto:newsletter@panoramichill.org)

## January Rains Cause Major Slide on Hill

**By Dick White**

In early January, a large (5-tree) mudslide covered the Upper Jordan Trail about ½-mile east of the water tank, making it inconvenient for joggers and impassible for fire engines. In his e-mail informing us of the closure, Tom Klatt, head of the Campus OES, pointed out that with more rain the mudslide might continue on down to the Lower Jordan Trail, which could leave us with only Panoramic Way for emergency vehicles. The Berkeley Fire Department was informed and the slide was cleared by UC within two weeks.



Upper Jordan trail mudslide January 2006 – photo by Jerry Wachtel

## UC Events Calendar

Monday-Friday March 27-31	Spring Recess	
Friday, March 31	Cesar Chavez Holiday	
Saturday, April 22 9 am- 4 pm	Cal Day	Annual campus open house For information visit < <a href="http://www.berkeley.edu/calday">http://www.berkeley.edu/calday</a> >
Tuesday, May 9	Instruction Ends	
Wednesday, May 10 4 pm Greek Theatre	Commencement Convocation	
Thursday- Sunday May 11-May 21	School and Department Graduations	For a commencement schedule, visit < <a href="http://www.urel.berkeley.edu/seniors/commencement/index.cfm">http://www.urel.berkeley.edu/seniors/commencement/index.cfm</a> >
Friday-Friday May 12-19	Final Exams	
Friday, May 19	Spring Semester Ends	
Saturday, May 20	Residence Halls Move Out Day	Students are expected to move out by 10 am
Monday, May 22	First Summer Session Begins	
Monday, May 29	Memorial Day Holiday	

## PHA Responds UC Development plans

PHA President Jerry Wachtel recently sent a seven-page letter to the UC's Principal Planner for Capital Projects, commenting on the University's Notice of Preparation of a "Tiered Focused Environmental Impact Report – Southeast Campus Integrated Projects." Although the letter is too long to be included in this newsletter, we have provided excerpts below. You can find the complete letter on the PHA website.

After discussing some general concerns, including the University's need to be open and honest with affected communities in its dealings about this critical issue, the vague language that permeates the notice making reasonable review impossible, and the

expectation that promises made to the Panoramic Hill community by Chancellors past and present about Memorial Stadium uses will be kept, Jerry's letter went on to discuss a number of specific community concerns. These included: noise; lighting; public safety; design, aesthetics and the historic structure; impact of the stadium on the Panoramic Hill National Historic District; and property values on Panoramic Hill.

Following a discussion of each of these concerns in turn, the letter then turned to providing specific comments to individual sections of the University's Notice. The sections addressed were:

Aesthetics; Cultural Resources; Geology, Seismicity and Soils; Noise; Public Services; and Transportation and Traffic.

Jerry's letter concluded by saying: "We look forward to working closely with the University in the months ahead in an effort to produce a SCIP that will work for all."

Although we have received no response to this letter, the University will be holding a "community open house" at the Stadium this Monday, March 13<sup>th</sup>. You can read about this event elsewhere in this newsletter, and it will be discussed at the PHA General Meeting on Sunday March 12<sup>th</sup>. But

note that this is a rare, and potentially very valuable opportunity to learn more about what UC is planning in Panoramic Hill's front yard, and to ask the hard questions about how these massive developments and expansions of the Southeast Campus may affect us for generations to come. Please attend, and please be heard.

## Online Discussion Forums now available

**By Eric Choate**

Please visit the recently added discussion forums on our website at <http://PanoramicHill.org/forums>. Here you can find out about latest developments regarding hot topics, post your thoughts, and read input from others.

To post to the forums you will be required to register a unique

username, a real email address (will not be disclosed to other users), and set a password. Additionally you may provide "Profile Information" about yourself, however this information is strictly optional.

The forums are broken down into several groups such as "Hot Topics" which

currently include "UC Development issues" and "Secondary access road". There are other groups for safety and hill development issues such as lot mergers, zoning, and sewer, lastly there is a group called "Misc" for general postings not related to the other groups.

So register today and start posting!

## Power Pole Left Hanging After Mudslide

**By Eric Choate**

The hill was plagued by several mudslides after heavy late December rains. This one across from 3444 Dwight Way left a recently installed power pole hanging in mid air. Concerned neighbors promptly called PG&E who stabilized the pole the next morning. Within two weeks the pole was relocated.

Other slides include the major slide on the Upper Jordon Trail as well as slides at the third hairpin on Panoramic way, a minor slide near 567 Panoramic Way, and a minor slide that blocked the driveway of 435 Panoramic.

During the fire season residents are required to clear brush, however, be careful not to leave land barren and susceptible to land slide. Replace vegetation with fire safe vegetation:  
<http://www.cnr.berkeley.edu/~fball/fsvegint.htm>



PG&E crews work to stabilize the leaning power pole. Photo by Eric Choate

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Volunteers wanted!  
 Please contact [newsletter@PanoramicHill.org](mailto:newsletter@PanoramicHill.org) if you can help with the newsletter or website.



## PHA Responds to Berkeley's Proposed Changes to the Landmarks Preservation Ordinance



### Panoramic Hill Association

PO Box 5428, Berkeley, CA 94705

February 6, 2006

Mayor and City Council  
2180 Milvia Street  
Berkeley, California 94704

Dear Mayor and Council members:

I write to express my opposition to any action that might be taken to weaken the Landmarks Preservation Ordinance (LPO), an ordinance that has served the City and its residents well for more than 30 years.


As you may be aware, the lower section of our Panoramic Hill community was recently added to the National Register of Historic Places. This honor resulted from the diligent work of a number of our neighbors, and we learned a great deal about historic preservation during this process. The importance, not just of unique and significant structures, but of other buildings and their occupants, paths, and the natural landscape all contribute to the integrity of this special community.

Thus, on Panoramic Hill we know, first hand, that the preservation of the City's historic resources contributes significantly to the area's quality of life and to its desirability as a place to live, work and shop. By weakening this ordinance, you will likely cause irreparable harm to the character of many Berkeley neighborhoods – once a historic structure is lost, it can never be replaced, and the coherence of the community in which it stood will be forever damaged.

I understand that your proposed actions will take three forms. First, by eliminating the category of "Structure of Merit," you will adversely impact any neighborhood in which such structures contribute to the "sense of place." This would be a serious mistake with citywide consequences. Second, by preempting the current public initiation process, you will open the door to speculators and developers whose sole interest in a property may be the profit motive, and these people will eventually come to dominate and control the process. And third, by creating a staff Preservation Officer, you will usurp the authority of a commission that is now accountable to the public. I strongly disagree with each of these three proposals, and urge you to reject them.

Finally, these proposed revisions to the LPO have apparently moved forward with little, if any, public input or even awareness. Since your proposed changes to the Ordinance are contrary to the City's 2002 General Plan, we believe that these proposals should be allowed full public review and debate as required by the California Environmental Quality Act (CEQA).

Sincerely yours,

  
Jerry Wachtel  
President

*"By weakening this ordinance, you will likely cause irreparable harm to the character of many Berkeley neighborhoods..."*

## Nominating Committee

A nominating committee will be elected at the next General Meeting. This committee is charged with presenting the list of candidates for the PHA

Board. Elections to the Board will take place at the Annual Meeting later this spring. If you would like to serve on the committee contact Jerry Wachtel, or

come to the March 12 General Meeting. Note that members of the nominating committee may not serve as officers of the Association in the next term.

Panoramic Hill Association

P.O. Box 5428  
Berkeley, CA 94705

E-MAIL:  
info@PanoramicHill.org

*About Our Organization...*

The Panoramic Hill Association is a non-profit mutual benefit association dedicated to serving its members and community. The association strives to ensure the safety and preserve the character of the neighborhood by working with local officials throughout the year.

General meetings are held three times a year, with board members elected at the annual meeting in April.

Membership is a modest \$15 per household per year. Membership is not required to attend meetings.

**We're on the Web!**

See us at:

**www.PanoramicHill.org**

**Boardmembers**

Jerry Wachtel	President	<a href="mailto:JerryWachtel@PanoramicHill.org">JerryWachtel@PanoramicHill.org</a>
Paul Abboud	Vice President (Oakland)	<a href="mailto:PaulAbboud@PanoramicHill.org">PaulAbboud@PanoramicHill.org</a>
Jeanne Allen	Vice President (Berkeley)	<a href="mailto:JeanneAllen@PanoramicHill.org">JeanneAllen@PanoramicHill.org</a>
Marcos Gandara	Vice President (UC)	<a href="mailto:MarcosGandara@PanoramicHill.org">MarcosGandara@PanoramicHill.org</a>
Cathy Orozco	Secretary	<a href="mailto:CathyOrozco@PanoramiHill.org">CathyOrozco@PanoramiHill.org</a>
Eric Choate	Co-Treasurer, Webmaster, Newsletter Editor	<a href="mailto:EricChoate@PanoramicHill.org">EricChoate@PanoramicHill.org</a>
Paul Salz	Co-Treasurer	<a href="mailto:PaulSalz@PanoramicHill.org">PaulSalz@PanoramicHill.org</a>
Maarten Kalway	CNA Liaison	<a href="mailto:MaartenKalway@PanoramicHill.org">MaartenKalway@PanoramicHill.org</a>
Dick White	Parliamentarian	<a href="mailto:DickWhite@PanoramicHill.org">DickWhite@PanoramicHill.org</a>

**PHA Membership Enrollment/Renewal Form Year 2006**

Mail to: \_\_\_\_\_ or drop off at 650 Panoramic Way  
 PHA Treasurer  
 PO Box 5428  
 Berkeley, CA 94705

Name \_\_\_\_\_

Address \_\_\_\_\_

Phone \_\_\_\_\_ Email \_\_\_\_\_

New Member \_\_\_\_\_ Renewing Member \_\_\_\_\_

Dues for the PHA are a modest \$15 per household per year and cover the calendar year from January to December. Please renew today so that the PHA can continue to protect and improve your neighborhood and keep you informed with the newsletter, website, advocacy and our annual emergency preparedness event.

**Calendar**

Event	Date/Time	Location
General Meeting	Sunday March 12 <sup>th</sup> , 2005 4:00pm – 7:00pm	Home of Hilary Bendich 14 Mosswood

**Agenda:**

- Presentation by Alameda County Environmental Health Officials on Septic System Regulations in Oakland
- Presentation by Dean Metzger of BLUE on a Citizen Lawsuit Against the City of Berkeley
- Discussion of the University's "Community Open House" meeting scheduled for March 13th
- Election of a nominating committee

\*\*\* Please bring a dish to share; PHA will provide drinks and snacks \*\*\*